

The examiner objects to claims 1-8 on the basis of Ruck, US 5,570,629 ("the 629"). The Applicant disagrees that the previous or present claims are anticipated by Ruck. The Applicant's previous claims recited, in summary, two different profiles and a concave transitional section located between the profiles. The Applicant disagrees that the 629 shows a concave transitional section located between upper and lower profiles. However, in order to better distinguish the invention from the cited art, the Applicant has now recited expressly that the upper and lower profiles are both separate and convex and that the concave transitional section is located between the upper and the lower profiles. In the 629, the concave portion of the profile is not a transitional section because it is not located between two different profiles. Further, Ruck fails to teach separate, convex profiles. Instead, it teaches a single convex profile that is located above a single concave profile. There is a transitional inflection point between the two profiles in Ruck but it is not a "concave transitional section". Instead, it is a single inflection point between the convexed concave portions.

The examiner also rejects claims 9-16 on the basis of Yu (US6,138,556; "the 556"). The examiner has made a serious factual error by suggesting that the 556 teaches a trajectory having a curved portion and a generally linear portion. From where did this teaching of a linear trajectory originate in the 556? The Applicant's claims specifically recites the "generally linear portion" and the specification is replete with numerous teachings about how the Applicant's actuating arm provides both curved and linear portions. The Applicant's actuating arm is the first known actuating arm in the juicing art to provide both curved and linear portions and deserves considerable respect. Instead, the examiner has reopened prosecution after allowance and the examiner has used this as an opportunity for a cursory rejection of an important claim on the basis of a marginal reference with no direct teachings of any form of linear trajectory. Every trajectory shown in the 556 is curved and nothing in the 556 suggests, teaches, or motivates toward a trajectory for a fruit dome that is determined by an actuating arm, where the trajectory has both a curved portion and a generally linear portion.

The examiner has also rejected claims 26 and 27 on the basis of Daniels, US 4,378,078 ("the 078"). The examiner has entirely overlook important limitations in the Applicant's claims. The Applicant specifically recites (in claim 26) that the spout is hinged to the container. Daniels teaches nothing of the sort. Further, the Applicant's claims are clearly drawn to a spout for limiting the flow of fluid from a container. Instead, Daniels teaches the dispensing of granulated food and beverage concentrates. Daniels, in spite of his expertise in this field, does not make any suggestion whatsoever that the invention is useful for dispensing a fluid. Where did the examiner gain the knowledge that Daniels had anything to do with fluids? Further, claim 26 recites that the plug has portion that is larger than the aperture, that same portion preventing the plug from dislodging under an influence of gravity. The 078 teaches nothing of the sort. In essence, the last portion of claim 26 relates to a way of using the larger portion as a way of preventing the plug from dislodging under the influence of gravity. Given the purpose of recitation, it is abundantly clear that the claimed portion e.g. fits into the aperture in the nature of an interference fit. The elastomeric plug recited in Applicant's claim 26 fits into the aperture. In the citation, the plug fits over and not into the aperture.

Favourable reconsideration of all claims is urged.

The Applicant is mindful that the substitute specification previously submitted was not answered. Accordingly, a new substitute specification is attached.

Please charge any deficiency in the fees due to our Deposit Account No. 503458 in the name of Molins & Co.

Regards,



Michael Molins
Reg. No. 31785
Customer No. 33372

Encl.

MM/rm